

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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EDWARD KEMPER and BRANDY
GILLMORE,

NO. CIV. S 05-0158 MCE DAD

Plaintiffs,

v.

ORDER

SIERRA TOWING and DOES 1-10,
inclusive,

Defendants.

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This is an action pursuant to Title III of the Americans
with Disabilities Act, 42 U.S.C. § 12101, et seq. ("ADA").
Plaintiffs, who claim to be persons with disabilities subject to
protection under the ADA, assert that Sierra Towing's facilities,
located at 9624 Kiefer Boulevard and 8590 Elder Creek Road in
Sacramento, failed to provide legally required access.
Plaintiffs allege both ADA violations as well as pendent state
law claims.

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1 Plaintiffs now move to file an amended complaint in this
2 matter on grounds that discovery responses provided by Defendant
3 Sierra Towing indicate that the facilities in question are in
4 fact owned and/or leased from Gary Gonzales and LMD Kiefer
5 Warehouse LLC. No opposition has been filed to Plaintiffs'
6 request to bring Gonzales and LMD Kiefer Warehouse LLC into the
7 case as additional defendants on that basis. Given that non-
8 opposition, and good cause appearing therefor, Plaintiffs' Motion
9 for Leave to File First Amended Complaint is GRANTED.¹

10 Plaintiffs are directed to file and serve their proposed First
11 Amended Complaint forthwith.

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13 IT IS SO ORDERED.

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15 DATED: October 27, 2005

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18 MORRISON C. ENGLAND, JR.
19 UNITED STATES DISTRICT JUDGE
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27 ¹Because oral argument would not be of material assistance,
28 this matter was deemed suitable for decision without oral
argument. E.D. Local Rule 78-230(h).